REMARKS/ARGUMENTS

Applicant has carefully reviewed and considered the Office Action mailed on January 16, 2007, and the references cited therewith.

Claims 1, 4, and 13 are amended, and no claims are cancelled or added; as a result, claims 1-28 are now pending in this application.

Claim Objections

Claims 1-18 were objected to because of informalities. In view of the Examiner's suggestion, the Applicant has amended each of independent claims 1, 4, and 13 to more clearly recite the subjected matter contained therein. Specifically, the Applicant has changed "storable" to "stored" and has changed "executable" to "executed" in each of claims 1, 4, and 13. As such, Applicant respectfully requests reconsideration and withdrawal of the objection to independent claims 1, 4, and 13, as well as those claims which depend therefrom.

§103 Rejection of the Claims

Claims 1, 2, 4-7, 9-13, 15-17 and 19-28 were rejected under 35 USC § 103(a) as being unpatentable over Pitroda (U.S. Patent No. 5,884,271) in view of Benton (U.S. Patent No. 4,454,414). The Applicant respectfully traverses the rejection as follows.

With regard to independent claims 1, 4, 13, 19, and 22, the Applicant submits that the Pitroda and Benton references, alone or in combination, do not describe, teach, or suggest each and every element provided in the Applicant's independent claims. Page 3 of the Office Action mailed January 16, 2007 states "Pitroda fails to teach program instructions storable in the memory and executable by the processor to selectably modify the variety of user information, including updating, editing and deleting, based on user input directly to the card." The Examiner cites the Benton reference as teaching the above quoted language. Specifically, the Examiner states:

> Benton discloses that a number of switches on the housing enables a
> transaction or keyboard entered data to be processed with respect to only

predetermined memories or predetermined portions of a memory within the circuitry and enables transactions to be maintained separately among different accounts without comingling (col 4, lines 42-50)

The Benton reference appears to describe "an electronic funds transfer system including portable, funds transfer modules that employ optical coupling for data exchange" that can be "retrofitted to external electronic funds transfer equipment." (Column 2, lines 16-20). The Examiner cites Column 7, lines 20-37 of the Benton reference as teaching "updating the variety of user information based on user input directly to the card," "editing the variety of user information based on user input directly to the card," and "deleting the variety of user information based on user input directly to the card." (Office Action, Page 4). Specifically, Column 7, lines 28-32 of the Benton reference states:

> Track 4 may involve insurance data, wherein an insurance company will apply credit to the account stored in memory. The doctor or hospital is paid in credit supplied by the module, and may be used in emergency medical situations.

By so stating, the Benton reference appears to describe a module in which a user can actuate switches (e.g., "tracks") to enable different accounts (e.g., different sources of funds or different users). The different accounts can be credited or debited based on the type of account. However, the different accounts of the Benton reference each involve decrementing credits available on each of the accounts and do not involve <u>updating, editing, and deleting the variety of user information based on user input directly to the card</u>.

In contrast, independent claims 1, 4, and 13, each recite, "program instructions stored in the memory and executed by the processor to selectably modify the variety of user information, including updating, editing, and deleting, based on user input directly to the card". And further, claims 19 and 22, each recite, "<u>selectably modifying the variety of user information, including updating, editing, and deleting, based on user input directly to the card</u>".

As such, Applicant respectfully submits that each and every element and limitation of independent claims 1, 4, 13, 19, and 22, is not described, taught, or

suggested in the Pitroda or Benton references, either independently or in combination. Accordingly, Applicant respectfully requests reconsideration and withdrawal of the 103 rejection of independent claims 1, 4, 13, 19, and 22, as well as those claims that depend therefrom.

Claims 3, 8 and 18 were rejected under 35 USC § 103(a) as being unpatentable over Pitroda in view of Benton as applied to claims 1, 4 and 13 above and further in view of Baratelli (U.S. Patent No. 6,325,285). Applicant respectfully traverses the rejection as follows.

Claims 3, 8, and 18 depend from independent claims 1, 4, and 13, respectively. Applicant respectfully submits that independent claims 1, 4, and 13 are in condition for allowance. From Applicant's review of the Baratelli reference, the reference does not cure the deficiencies of the Pitroda and Benton references. That is, Baratelli does not describe, teach, or suggest, "program instructions stored in the memory and executed by the processor to selectably modify the variety of user information, including updating, editing, and deleting, based on user input directly to the card, as recited in independent claims 1, 4, and 13. Accordingly, Applicant respectfully requests reconsideration and withdrawal of the 103 rejection of dependent claims 3, 8, and 18.

Claim 14 was rejected under 35 USC § 103(a) as being unpatentable over Pitroda in view of Benton as applied to claim 13 above and further in view of Gangi (U.S. Patent No. 6,293,462 as cited by the Applicant) and Hasegawa (U.S. Patent No. 5,055,662). Applicant respectfully traverses the rejection as follows.

Claim 14 depends from independent claim 13. Applicant respectfully submits that independent claim 13 is in condition for allowance. From Applicant's review of the Gangi and Hasegawa references, the references do not cure the deficiencies of the Pitroda and Benton references. That is, Gangi and Hasegawa do not describe, teach, or suggest, "program instructions stored in the memory and executed by the processor to selectably modify the variety of user information, including updating, editing, and deleting, based on user input directly to the card, as

recited in independent claim 13. Accordingly, Applicant respectfully requests

reconsideration and withdrawal of the 103 rejection of dependent claim 14.

CONCLUSION

Applicant respectfully submits that the claims are in condition for allowance and notification to that effect is earnestly requested. The Examiner is invited to telephone Applicant's attorney David W. Boyd at (970) 898-4475 to facilitate prosecution of this matter.

At any time during the pendency of this application, please charge any additional fees or credit overpayment to the Deposit Account No. 08-2025.

CERTIFICATE UNDER 37 CFR §1.8: The undersigned hereby certifies that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail, in an envelope addressed to: **MS AMENDMENT** Commissioner for Patents, P.O. BOX 1450, Alexandria, VA 22313-1450 on this 21st day of ___March___, 2007.

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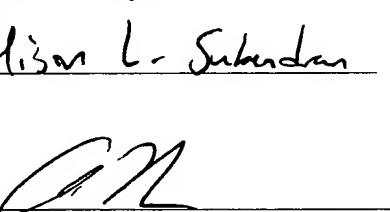
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